

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

Cyriac Abraham,

Plaintiff,

v.

Case No. 12-cv-198

Washington Group International, Inc. and URS
Corporation,

Defendants.

DEFENDANTS' SUPPLEMENTAL PROPOSED FINDINGS OF FACT

Defendants, Washington Group International, Inc. and URS Corporation, by their attorneys Quarles & Brady LLP, submit the following supplemental proposed findings of fact in support of their motion for summary judgment (Dkt. #12) and in response to the Court's request for additional information regarding Plaintiff's citizenship and the amount in controversy in this case. (Dkt. #22).

PLAINTIFF IS A CITIZEN OF TEXAS

93. Plaintiff Cyriac Abraham owns a home in Texas. (Declaration of Cyriac Abraham dated March 13, 2013 hereinafter "Abraham Decl." at ¶1, a copy of which is attached as Exhibit D to the March 15, 2013 Declaration of Nicholas Anderson in Support of Supplemental Proposed Findings of Fact, hereinafter "Anderson Decl.")
94. Abraham is registered to vote in Texas and has been registered to do so since August 1, 2008. (Abraham Decl. at ¶1; Anderson Decl. at ¶2, Ex. A).
95. Abraham holds a Texas driver's license. (Abraham Decl. at ¶1, Anderson Decl. Ex. D).

- 96. Abraham intends to remain in Texas. (Abraham Decl. at ¶1, Anderson Decl. Ex. D).
- 97. Abraham and his wife have lived in Texas since 2007. (Abraham Decl. at ¶1; Deposition of Cyriac Abraham dated November 1, 2012, hereinafter “Abraham Dep.”, a copy of which has been previously filed with the Court as Dkt #17 in this matter, at p. 141:24-142:4).
- 98. Abraham’s children moved to Texas in 2008. (Abraham Dep. at pgs. 11:15-22; 142:24 - 143:1).

THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000

- 99. When Abraham filed this lawsuit, he sought more than \$75,000 in damages. (Abraham Decl. ¶2, Anderson Decl. Ex. D).
- 100. On March 13, 2013, Abraham signed a declaration under penalty of perjury stating that, when he filed his lawsuit, he sought more than \$75,000 in damages. (Abraham Decl. ¶2, Anderson Decl. at ¶5, Ex. D).
- 101. In his Fed. R. Civ. P. R. 26(a)(1) initial disclosures dated May 23, 2012, Abraham calculated his damages related to his claims in this case to be \$274,672—a figure which was exclusive of punitive damages and attorney’s fees. (Abraham Decl. ¶2, Anderson Decl. Ex. D; Anderson Decl. at ¶3, Ex. B).
- 102. In Abraham’s November 1, 2012 response to Defendant’s Interrogatory No. 2, Abraham asserted that he suffered a total of \$275,217 in damages (exclusive of punitive damages and attorney's fees) in this case. (Anderson Decl. at ¶4, Ex. C).
- 103. Plaintiff testified at his November 1, 2012 deposition that his claimed damages include : \$37,000 in lost earnings from Fru-Con (Abraham Dep. 226:13-18); \$13,754 in closing costs on his California home (Abraham Dep. 239:20-22); \$20,485 in closing costs on his

Wisconsin home (Abraham Dep. 252:2-4); \$19,570 in costs associated with the sale of his Wisconsin home; (Abraham Dep. 253:20-22); \$94,000 in spousal lost earnings (Abraham Dep. 198:10-199:2); and \$7,500 in lost moving expenses (Abraham Dep. 208:25-209:3).

Dated March 15, 2013.

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